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**REQUEST FOR ORDER  
TO SHOW CAUSE**

August 7, 2018

**BY ECF and E-MAIL: [ALCarterNYSDChambers@nysd.uscourts.gov](mailto:ALCarterNYSDChambers@nysd.uscourts.gov)**

Honorable Andrew L. Carter, Jr., U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: Crystal Lucero Cruz v. Superior Cafe  
Case No. 18 Civ. 457 (ALC)**

Dear Judge Carter,

We are counsel to the plaintiff Crystal Lucero Cruz. This case was dismissed by order of the court on July 20, 2018 [Docket 14] following the parties' settlement in mediation through the SDNY-approved mediation program held on May 2, 2018.

The terms of the settlement required defendants to pay the sum of four thousand five hundred dollars (\$4,500) to resolve all claims for unpaid wages, liquidated damages, and attorneys' fees. The payment was to be made within thirty (30) days after the court's approval of the settlement. The settlement was approved on June 20<sup>th</sup> and the settlement payment was due on July 20<sup>th</sup>. I have written to defense counsel multiple times and the mediator also intervened and called and wrote to defense counsel. Mr. Weisberg ignored both the mediator and my calls, and then days later told me to calm down and explained that has been too busy for weeks to follow up with his client. Since then, two (2) more weeks have passed (!), and Mr. Weisberg has been silent, and the settlement remains unpaid.

We tried multiple times to avoid judicial assistance by engaging with defense counsel and the mediator, but now respectfully ask the court to intervene and order the defaulting defendant and its counsel to show cause why sanctions should not be issued for causing the court, counsel, and the mediator to spend time pursuing the settlement agreed to at mediation.

We thank the court for its consideration of this matter.

Respectfully submitted,

Cilenti & Cooper, PLLC

By: 

Peter H. Cooper, Esq.

cc: counsel of record (By ECF and E-mail)